

APPEAL NO. 020620  
FILED MAY 9, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 5, 2002, with the record closing on February 13, 2002. With regard to the issues before him, the hearing officer determined that the respondent (claimant herein) sustained a compensable injury on \_\_\_\_\_; that the claimant had disability beginning on January 14, 2001, and continuing through the date of the CCH; and that the claimant's compensable injury extended to and included an injury to the claimant's lumbar spine. The appellant (carrier herein) files a request for review challenging the hearing officer's extent-of-injury and disability determinations as being contrary to the evidence. The claimant responds, arguing that the carrier's request for review is inadequate to constitute an appeal and that the challenged determinations were sufficiently supported by the evidence.

DECISION

We find the carrier's request for review sufficient to invoke our jurisdiction. Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

Since the question of the adequacy of the appeal is jurisdictional, we must address it first. The claimant argues that the carrier's request for review fails to meet the requirement in Section 410.202(c) that a request for review "must clearly and concisely rebut or support the decision of the hearing officer on each issue on which review is sought." Responding to much the same argument in Texas Workers' Compensation Commission Appeal No. 990792, decided May 21, 1999 (Unpublished), we stated as follows:

Early on and repeatedly since, we have held that no particular form of appeal is required and that an appeal, even though terse and unartfully worded, will be considered. Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993; and cases cited therein. We have also held that appeals which lack specificity will be treated as challenges to the sufficiency of the evidence. Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992.

Applying this standard, we find the carrier's appeal more than adequate to constitute a challenge to the sufficiency of the evidence.

Conflicting evidence was presented regarding the issues of extent of injury and disability. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented.

We have held that the question of the extent of injury is a question of fact for the hearing officer. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. We have also held this is true of the issue of disability. Texas Workers' Compensation Commission Appeal No. 93560, decided August 19, 1993. We have reviewed the challenged determinations. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRAVELERS INDEMNITY COMPANY OF AMERICA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Michael B. McShane  
Appeals Judge